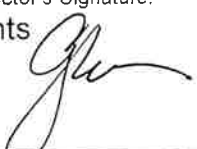
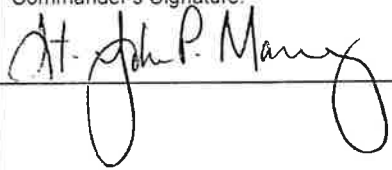


STATE OF CALIFORNIA
 DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
INSPECTION PROGRAM
 CHAPTER 8
 COMMAND DUI COST RECOVERY

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|-----------------------------------|---------------------|--------------------------|
| Command: Otay Mesa I.F. | Division: Border | Number: 646 |
| Evaluated by: G. Brents | | Date: 6/4/2009 |
| Assisted by: V. Marchante | | Date: 6/4/2009 |

INSTRUCTIONS: Answer individual items with "Yes" or "No" answers, or fill in the blanks as indicated. Any "No" answers, discrepancies with policy, applicable legal statutes, or deficiencies noted in the inspections shall be commented on via the "Remarks" section. Additionally, such discrepancies and/or deficiencies shall be documented on an Exceptions Document and addressed to the next level of command. Furthermore, the memorandum shall include any follow-up and/or corrective action(s) taken. If this form is used as a Follow-up Inspection, the "Follow-up Inspection" box shall be marked and only deficient items need to be re-inspected.

| | | | |
|--|--|--|---|
| TYPE OF INSPECTION <input type="checkbox"/> Division Level <input checked="" type="checkbox"/> Command Level <input type="checkbox"/> Office of Inspections <input type="checkbox"/> Voluntary Self-Inspection | | Lead Inspector's Signature: G. Brents  | |
| Follow-up Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Follow-Up Inspection BY: _____ | Commander's Signature:  | Date: 6/10/09 |
| For applicable policies, refer to HPM 11.1, Chapter 20. | | | |
| Note: If a "No" or "N/A" box is checked, the "Remarks" section shall be utilized for explanation. | | | |
| 1. Does the command have sufficient procedures to ensure that a CHP 735, Incident Response Reimbursement Statement, is prepared for each arrest that meets the cost recovery criteria? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A Remarks: |
| 2. What are these procedures? The Command has written SOP that reflects the Department's policy on the procedures relating to the CHP 735. Due to the nature of the tasks performed by the employees at Otay Mesa, the requirements (response to investigate a DUI) to initiate a CHP 735 is not common. However, should the opportunity present itself, the CHP 735 would be forwarded with the DUI arrest report through supervision (for review) and then to the filing clerk for appropriate logging and processing (to FMS). | | | |
| 3. Does the command have a specific employee(s) assigned to process all CHP 735 forms? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A Remarks: See page #4. |
| 4. If the answer to question 3 of this checklist is yes, is the responsibility of processing all CHP 735 forms listed in their job description or any other document? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A Remarks: |

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| 5. Are all CHP 735 forms forwarded to Fiscal Management Section (FMS) properly with completed criteria in either Section A or Section B of the form? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: See page #4. |
| 6. Does the command have a suspense system in place to facilitate notification of a conviction involving cases meeting the requirements of the Driving Under the Influence (DUI) Cost Recovery Program? This would involve cases where the following criteria applies: <ul style="list-style-type: none"> • A Blood Alcohol Content (BAC) under .08% • A chemical test is positive for drugs only • There is no supporting BAC test of drug test (i.e., a refusal) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: See page #4. |
| 7. Are CHP 735 forms completed based on the criteria of Section A of the form being forwarded to FMS within ten business days from one of the following dates? <ul style="list-style-type: none"> • The date of BAC results of $\geq .08\%$ were received • The date of BAC results of $\geq .04\%$ were received for a commercial driver | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 8. Are CHP 735 forms completed based on the criteria of Section B of the form being forwarded to FMS within ten business days from being notified of a conviction of California Vehicle Sections 23152 or 23153, or greater offence as a result of one of the following? <ul style="list-style-type: none"> • The person arrested refused to provide a chemical test • The arrest was for drugs only • A BAC of $< .08\%$ was obtained | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 9. Is the Itemized Staff Hours section of the CHP 735 completed as required in Highway Patrol Manual 11.1, Administrative Procedures Manual, and includes hours for all employees assigned to the incident? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 10. If the person arrested is transient, is the case being entered into the CHP 735A, Case Log-DUI Cost Recovery Program, without forwarding the CHP 735 to FMS? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 11. Are staff hours involved in the incident recorded on the CHP 735 to the nearest ten minutes? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 12. Do the total number of staff hours charged on the CHP 735 agree with the appropriate CHP 415, Daily Field Record? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |

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| 13. Does the Notes portion of the CHP 415 indicate the billable DUI time when the CHP 415 includes more than one activity? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 14. Are the staff hours incurred by members of the Department for the following activities associated with an incident meeting the criteria for DUI cost recovery included in the CHP 735? <ul style="list-style-type: none"> • Response Time • On-Scene Investigation • Follow-up Investigation • Report Writing • Vehicle Storage • Call Back • Field Sobriety Testing • Transportation • Booking • Chemical Testing • Traffic Control | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 15. Are the staff hours for officers-in-charge, sergeants, lieutenants, or captains listed on the CHP 735 for time spent performing the activities listed in question 12 of this checklist and not exclusively supervisory tasks? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 16. Is the current hourly rate for reimbursement, sent out to all commands via Comm-Net from FMS, being used? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Remarks: |
| 17. Is a copy of the CHP 735 being retained at the command and filed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 18. Is the command utilizing the, optional, CHP 735A to track cases qualifying for the DUI Cost Recovery Program? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: See page #4. |
| 19. In the absence of a CHP 735A, how is the command tracking the DUI Cost Recovery Program? No cases to track. Command does not investigate DUI offenses that require a response. | | | | |
| 20. Are commands using a case monitoring system to track cases qualifying for the DUI Cost Recovery Program including the following information in the monitoring system? <ul style="list-style-type: none"> • Defendant Information • Violation Information • Court Information • FMS Information • BAC test results | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |

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| 21. Are cases not resulting in a conviction within 12 months after submission to the District Attorney closed out after court verification of case status? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 22. Do closed out cases on the monitoring system have a line drawn through the Conviction Date and Date to FMS as well as the reason the case was closed and date of last follow-up check? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 23. Are refunds or overpayments, as a result of erroneous charges, in an amount of = \$5.00 being processed by the Department? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| 24. Is the command reviewing the quarterly reports sent by FMS related to the submission of CHP 735 forms and case status identifying any deficiencies in the submission and accountability of the DUI Cost Recovery Program? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: |
| Question 25 pertains to Fiscal Management Section. | | | | |
| 25. Is FMS reviewing the CHP 735 forms for completeness of information and returning deficient forms to the issuing command for corrections? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Remarks: Unknown. |

Due to the nature of the work tasks at the Inspection Facility, it is not common that an officer from the facility would received a call to respond (as required for the initiation of the CHP 735) to an incident involving a DUI. During this audit, no CHP 735's were on-file or initiated by the Command.